GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management, Ganesh Picture House, Mysore.

Award of the Labour Court, Bangalore—published.

Read the following papers :—

(1) Letter No. 651/67-68 dated 5th September 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 5th day of September 1967.

Present :

Sri P. T. Kadkol, B.SC., LL.B. ... *Presiding Officer.*

Reference No. 125 of 1966.

Workmen represented by the Secretary, Mysore Division General Labour Union, Clock Tower Square, Mysore-1

... *First Party.*

Vs.

The Management, Ganesh Picture House, Mysore.

... *Second Party.*

Reference : Government Order No. LMA 475 LLD 66, dated 28th October 1966.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the mansgement of Ganesh Picture House, Mysore, have referred it to this Court for adjudication, under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 475 LLD 66, dated 28th October 1966 setting out the following points of dispute for adjudication.—

> "Is Sri Venkataraju, Gate Keeper, Ganesha Picture House, Laxmipuram, Mysore-4 entitled for re-instatement with back wages and continuity of service ? If not, to what other relief he is entitled to ?"

2. The cause of the aggrieved workman Venkataraju has been sponsored by the Mysore Division General Labour Union Mysore which is a registered trade union. This Union as representing the workmen is the first party and the management of Ganesh Picture House is the second party in this proceeding. The Union is represented by Mr. S. R. Sastry and the management has not cared to put in any effective appearance.

3. A notice was issued by this court to the first party to submit its statement of claims on 3rd January 1967 and send a copy thereof to the second party and calling upon the second party to submit its statement of objections on 18th January 1967. The notices were duly served on both the parties. At the request of the first party, time for submission of the statement of claims was extended and it put in the statement of claims on 18th January 1967. On 18th January 1967 the second party sent a letter to this court by post. The letter is dated 17th January 1967. Therein it was said that it was not aware of any dispute between its workmen and itself and hence it did not find any necessity to file any statement of objections. It also complained therein that the first party had not sent to it its statement of claims. As this letter dated 17th January 1967 was not in the nature of a statement of objections, another notice was issued to the second party by post to submit its statement of objections. In response thereto, the second party wrote another letter to this court on 27th February 1967. Therein it said that it had received the claim statement submitted on behalf of Venkataraju and it also persisted in saying that there was no dispute between its workmen and itself. The letters dated 17th January 1967 as well as 27th February 1967 are

signed by one Mr. K. Aprameya on behalf of the management of the second party. Thereafter the matter was fixed for evidence in Mysore Camp on 3rd April 1967 with notice to both the parties On that day also none appeared for the second party and no statement of objections was received. The case was posted to the next day. On 4th April 1967 also none appeared on behalf of the second party. Hence the matter was posted for evidence to be recorded in the next camp of this court at Mysore. Notices were again issued to both the parties fixing the date of hearing in Mysore on 5th May 1967 and they were duly served. When the case was called out on 5th May 1967, Mr. Sastry appeared for the first party. The second party sent a letter of even date through one Mr. Krishna Setty drawing the attention of this court to its letter dated 17th January 1967 and asking this court to hold that there was no dispute between itself and its workmen. This letter also has been signed by Mr. K. Aprameya for the management. The case was adjourned for hearing to 6th May 1967 and the date was noted in the order sheet under the signatures of Mr. Krishna Setty as well as Mr. Sastry. On 6th May 1967 however, Mr. Sastry, appeared, but none appeared on behalf of the second party. The case was again adjourned for being heard in the next camp of this Court at Mysore. Notices were again issued to both the parties fixing the date of hearing at Mysore on 10th July 1967. This notice was served on the management on 29th June 1967 and the postal acknowledgement has been signed by Mr. K. Aprameya. When the case was called out on that day, the first party appeared through Mr. Sastry and none appeared for the second party. Then I directed that another letter be written to the second party under Certificate of Posting to appear before me on the next date, *i.e.*, 11th July 1967 for the hearing of the case. 11th July 1967, Mr. Sastry appeared for the first party. Mr. Aprameya appeared for the second party and requested for an adjournment. With the consent of both the parties the hearing was fixed in Bangalore on 18th July 1967. A notice to this effect made in the order sheet has been signed by Mr. Aprameya as well as Mr. Sastry. Then on 18th July 1967 when the case was called on for hearing at Bangalore it was again found that Mr. Sastry appeared for the first party and none was present for the second party. It is thus clear that in spite of several opportunities given to the second party it has not cared to appear in this court and put in any defence.

4. The first party has said in the statement of claims that the aggrieved workman Venkataraju was a permanent employee

under the second party as a gate keeper and his services were terminated from November 1965 without notice or any valid reason and the said termination was illegal and unjustified.

5. Since the second party did not appear at all, evidence led by the first party was recorded. The aggrieved workman has been examined as W.W. 1. He has sworn that he entered the service of the second party in 1945 or 1946 and his services were illegally terminated by the management. He has also said that the proprietor told him that his services were not required because he had become a member of the Union and was making demands for higher salary. He has requested this court to direct his reinstatement with full back wages and continuity of service. The President of the first party Union has examined himself as W.W. 2. He has sworn that Venkataraju is a member of the union since many years and the union is sponsoring his cause. He has produced three documents marked Exts. W.1 to W. 3. Exts. W.1 and 2 are respectively the postal receipt and postal acknowledgement for the first party having sent the statement of claims to the second party. Ex. W. 3 is a copy of the conciliation proceedings. These conciliation proceedings show that the management of the second party did not appear before the conciliation officer though several opportunities were given to it. In the face of this evidence led by the first party union, which I see no reason to reject in the absence of any evidence to the contrary, I hold that the termination of the services of Venkataraju by the management of the second party is illegal and unjustified. I also hold that he is entitled to reinstatement with back wages and continuity of service.

9. In the result I make an Award as under.—

AWARD

Reference is accepted. The termination of the services of Venkataraju by the management of the second party is hereby set aside and it is directed to reinstate him in his former post with all incidental and consequential benefits that he would have been entitled to had his services not been terminated, with full back wages and continuity of service. Parties do bear their own costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER

Bangalore, dated 15th September 1967.

S. O. 1817.—WHEREAS by States Governments Order No. LMA 475 LLD 66, dated 28th October 1966, the Industrial Dispute between the Workmen and the Management, Ganesh Picture House, Mysore, was referred to the Labour Court, Bangalore for adjudication;

AND WHEREAS the Labour Court, has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said award as above in the *Mysore Gazette*

(No. LMA 475 LLD 66.]

By Order and in the name of the Governor of Mysore,

1085 G. G. PUROHIT, *Under Secy.*